

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:)	Case No. 22-40065-JPG
)	
California Palms Addiction Recovery)	Judge John P. Gustafson
Campus, Inc.)	
)	Chapter 7
Debtor)	
)	<u>MOTION FOR TURNOVER</u>

NOW COMES Andrew W. Suhar, interim Chapter 7 Trustee in the above-captioned proceeding ("Movant"), moves the Court for an order directing KeyBank to turnover funds in the debtor-in-possession account. In furtherance hereof, Movant states as follows:

1. This case commenced by the filing of a voluntary petition under Chapter 11 of the Bankruptcy Code on January 30, 2022 and was converted to a Chapter 7 on April 5, 2022. Movant is the duly appointed, qualified and acting interim Chapter 7 Trustee in this proceeding.
2. The Debtor, while in Chapter 11, had its debtor-in-possession bank account at KeyBank having the account number XXXXXX-01133-3. At the time of the conversion to a Chapter 7 contained approximately \$146,676.92 (Exhibit "A").
3. Pursuant to 11 U.S.C. §541(a), the amount in said bank account is property of the within Chapter 7 estate.
4. Pursuant to 11 U.S.C. §543(b)(1), KeyBank should be ordered to turnover the funds in the debtor-in-possession account to the undersigned as interim Chapter 7 Trustee, and close said debtor-in-possession account.

WHEREFORE, Movant, Andrew W. Suhar, interim Chapter 7 Trustee, prays the Court enter an Order authorizing and directing KeyBank to turnover the funds in the debtor-in-possession account hereinbefore described, in the approximate amount of \$146,676.92, by delivering same to Movant as interim Chapter 7 Trustee, and to close said bank account. Movant further prays the Court grant him such other and further relief as the court deems appropriate.

Respectfully submitted,

/s/ Andrew W. Suhar

ANDREW W. SUHAR, ESQ. Reg. No.0058419

Interim Chapter 7 Trustee

29 East Front Street, 2nd Floor

P.O. Box 1497

Youngstown, Ohio 44501-1497

Telephone: (330) 744-9007

Facsimile: (330) 744-5857

E-mail: asuhar@suharlaw.com

CERTIFICATE OF SERVICE

I HEREBY certify that on this 12th day of April, 2022, a true and correct copy of the **Motion for Turnover** was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of the United States Trustee at (Registered address)@usdoj.gov

Allyson Cady on behalf of Interested Party Pender Capital Asset Based Lending Fund I,
LPacady@beneschlaw.com

Trevor G Covey on behalf of Interested Party Pender Capital Asset Based Lending Fund I, LP
tcovey@beneschlaw.com, docket2@beneschlaw.com

Sebastian Rucci on behalf of Interested Party Sebastian Rucci
SebRucci@gmail.com

Joshua Ryan Vaughan on behalf of Creditor Ohio Department of Taxation and Ohio Department of Jobs & Family Services and Ohio Bureau of Workers Compensation
jvaughan@amer-collect.com, SAllman@AMER-COLLECT.COM;HouliECF@aol.com

Kate M. Bradley ust44 on behalf of U.S. Trustee United States Trustee
kate.m.bradley@usdoj.gov

Lauren Schoenewald ust47 on behalf of U.S. Trustee United States Trustee
lauren.schoenewald@usdoj.gov

Via regular U.S. Mail, postage prepaid, to:

California Palms Addiction Recovery Campus, Inc.
1051 N. Canfield-Niles Road
Austintown, OH 44515

Dean D. Gamin, Esq.
KeyBank
127 Public Square, 2nd Floor
Cleveland, OH 44114-1306

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No. 0058419
Interim Chapter 7 Trustee

Checking Account Details

Account Functions... 

Key Business Reward Checking

Beginning Balance, as of 03/25/2022	146,676.92
Pending Activity Total	0.00
Holds	0.00
Available Balance	146,676.92
Overdraft Protection Available	NO
Standard Overdraft Services Consent	N/A
Last Interest / Dividend Payment, paid on 03/11/2022	0.00
Total Interest / Dividend Paid-YTD, as of	0.00
Total Interest / Dividend Paid Last Year	0.00
LDO Promotion Expiration Date	
Show Account Remarks / Add Account Remarks	

Member FDIC

Note: Transaction Balance does not reflect your available balance and it should not be used when considering future transactions. The transaction balance is the balance after cleared activity has posted to your account. The displayed balance may not include pending activity.

Transactions

From (mm/dd/yyyy): 02/23/2022


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To (mm/dd/yyyy): 03/25/2022



Legend	
	Sort Ascending
	Sort Descending
	View Cleared Check

Date	Description	Debit	Credit
No Pending Activity			

Date	Type	Description	Debit	Credit	Transaction Balance
Cleared Activity					
03/23/2022	Deposit	WIRE DEPOSIT CALIFORNIA PALMS 5248		141,362.27	146,676.92
03/11/2022	Deposit	DEPOSIT BRANCH 0228 OHIO		5,314.65	5,314.65

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EXHIBIT

"A"